


### **REMARKS**

Favorable reconsideration of this application is requested in view of the above amendments and the following remarks. Claim 14 is amended. Claims 1- 17 remain pending in the case. No new matter has been added. Reconsideration of the claim is respectfully requested.

Applicant thanks the Examiner for the Examiner's time in reviewing this case. Attached  is a copy of the cover of the priority document showing Applicant's priority date of July 11, 1997.

Applicant respectfully requests that as the cited reference (Bently) was filed after Applicant's priority document, it is not prior art. Applicant notes that they should not receive a first office action final rejection.

### **35 USC § 102 Rejections**

On page 2 of the Office Action, claims 1-13 and 15-17 were rejected under 35 U.S.C. § 102 (e) as being anticipated by Bentley et al. (US 6,437,784 B1).

Applicant respectfully asserts that these rejections are improper since Bentley cannot be applied under 35 U.S.C. § 102(e). The Examiner is referred to the "Examination Guidelines for 35 U.S.C. § 102(e)(2), as amended by the American inventors Protection Act of 1999" issued by the Patent and Trademark Office. In those Guidelines, it is stated, under the first paragraph of the Summary, that the criteria for determining patentability under pre-AIPA § 102(e) applies to applications filed before November 29, 2000 and not voluntarily published according to 35 U.S.C. § 122(b). The Guidelines further state that the new criteria for determining patentability under post AIPA 35 U.S.C. § 102(e) applies to applications: a) filed on or after November 29, 2000, or b) that have been voluntarily published.

Applicant's application was filed in the United States on March 7, 2000, having a priority date of July 11, 1997 (PCT 97/09210). Therefore pre-AIPA § 102(e) applies to the present application, not post-AIPA § 102(e).

Under pre-AIPA § 102(e), a reference is a patent granted on an application for a patent by another filed in the United States before invention by the Applicant. Thus, only US patents may be used as references under the pre-AIPA 35 § 102(e). The Bentley reference, on the other hand,

has a US filing date of March 31, 1998 (§102(e) date). Therefore, the Bentley reference is not available as a reference under 35 U.S.C. § 102(e).

Therefore, Applicant requests that the Examiner withdraw the rejection of anticipation for claims 1-17 under the Bentley reference.

### **35 USC § 112 Rejections**

On page 3 of the Office Action, claim 14 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. According to the Office Action, claim 14 lacks antecedent basis.

Applicant respectfully traverses this rejection, but in the interest of prosecution has amended claim 14 to overcome the rejection. Support for the amendment can be found on at least page 16 of Applicant's Specification. Accordingly, an access point allows a terminal to access, for example, a scene at any time.

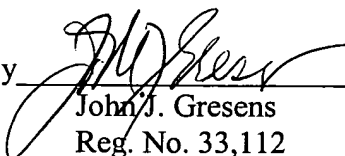
In view of the above remarks, Applicant respectfully requests that the Examiner withdraw the rejection.

### **Conclusion**

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at 612/332-5300.

Respectfully submitted,  
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JJG:TJS/jh

By   
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## DEMANDE INTERNATIONALE PUBLIÉE EN VERTU DU TRAITE DE COOPERATION EN MATIÈRE DE BREVETS (PCT)

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(31) Numéro de la demande internationale: PCT/FR98/01520 (22) Date de dépôt international: 10 juillet 1998 (10.07.98) (30) Données relatives à la priorité: 97/09120 11 juillet 1997 (11.07.97) FR (71) Déposants (pour tous les Etats désignés sauf US): FRANCE TELECOM [FR/FR]; 6, place d'Alleray, F-75015 Paris (FR). TELEDIFFUSION DE FRANCE [FR/FR]; 10, rue d'Oradour-sur-Glane, F-75732 Paris Cedex 15 (FR). (72) Inventeur; et (75) Inventeur/Déposant (US seulement): SIGNES, Julien [FR/FR]; 2, quai de Richemont, F-35700 Rennes (FR). (74) Mandataire: VIDON, Patrice; Cabinet Patrice Vidon, Im- meuble Germanium, 80, avenue des Buttes de Coësmes, F-35700 Rennes (FR).	(81) Etats désignés: AU, CN, IL, JP, KR, US, brevet européen (AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE). Publiée Avec rapport de recherche internationale.	

COPIE

(54) Title: DATA SIGNAL FOR MODIFYING A GRAPHIC SCENE, CORRESPONDING METHOD AND DEVICE

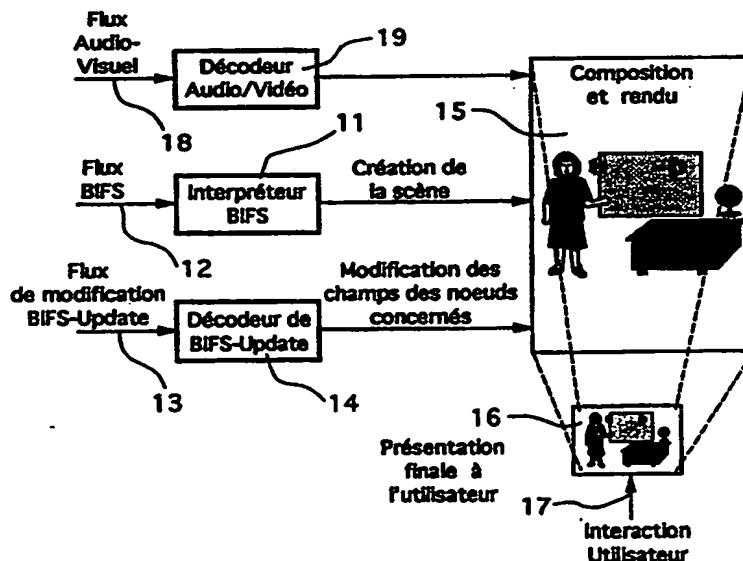
(54) Titre: SIGNAL DE DONNEES DE MODIFICATION D'UNE SCENE GRAPHIQUE, PROCEDE ET DISPOSITIF CORRESPONDANTS

## (57) Abstract

The invention concerns a data signal for modifying a graphic scene, designed for means for constructing images capable of being displayed on at least one screen, comprising frames for updating the graphic scene, some of said fields bearing a command for replacing an extant graphic scene by a new graphic scene. The fields also advantageously bear at least one of the commands belonging the group comprising the following commands: inserting an element of said graphic scene; modifying an element of said graphic scene; eliminating an element of said graphic scene, said constructing means updating said scene on the basis of the updating frames. The invention also concerns the corresponding method and device.

## (57) Abrégé

L'invention concerne un signal de données de modification d'une scène graphique, destinée à des moyens de construction d'images pouvant être présentées sur au moins un écran, comprenant des trames de mise à jour de la scène graphique, certaines desdites trames portant une commande de remplacement de la scène graphique existante par une nouvelle scène graphique. Elles portent également avantageusement au moins une des commandes appartenant au groupe comprenant les commandes suivantes: insertion d'un élément de ladite scène graphique; modification d'un élément de ladite scène graphique; suppression d'un élément de ladite scène graphique, ledits moyens de construction mettant à jour ladite scène en fonction desdites trames de mise à jour. L'invention concerne également les procédé et dispositif correspondants.



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